

## MEMORANDUM

TO: Members, Public Disclosure Commission

FROM: Philip E. Stutzman, Director of Compliance

DATE: January 17, 2003

SUBJECT: Status of Compliance Cases

Enclosed is an update of all compliance activity since my last memo to you dated November 22, 2002. If you would like additional information, please let me know.

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**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

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## **Part I**

### **Investigations Completed**

#### **Cases Scheduled For Hearing:**

##### **Scheduled for Full Enforcement Hearing**

###### **Protect Our Pets and Wildlife--Case #01-134; Investigator: Suemary Trobaugh**

Date Received: October 20, 2000

Date Started: October 25, 2000

Section of Law: RCW 42.17.080, .090 and .510

Status: Investigation Complete

Summary: A complaint was received from Ed Owens, Chair of Citizens for Responsible Wildlife Management, alleging that Protect Our Pets failed to report in kind contributions from a flyer mailing and a postcard mailing. The postcard mailing allegedly did not contain proper sponsor identification. Mr. Owens also alleged that Protect Our Pets failed to report expenditures for political ads placed with local television stations (King-5, KIRO, and KOMO in Seattle). In addition, Mr. Owens alleged that these ads did not contain proper sponsor identification. A brief enforcement hearing was held on October 18, 2001. However, rather than ruling on the case, the Presiding Officer continued the matter to the November 1, 2001 brief hearing date. On November 1, 2001, Chair Christine Yorozu, the Presiding Officer at the hearing, declined to hear additional evidence and moved the matter to be heard by the full Commission. An enforcement hearing was held before the full Commission on January 22, 2002. The Commission found that Protect Our Pets and Wildlife committed an apparent violation of RCW 42.17.080, and .090, and referred the matter to the Attorney General's Office. The Attorney General's Office took no action regarding the referral, and in accordance with the Commission's order, returned the matter to the Commission for disposition. The full Commission will deliberate on the case at its January 28, 2003 Commission meeting. (Postponed from December 4, 2002.)

Disposition: Pending

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**Whatcom County Republican Party--Case #03-019; Investigator: Kurt Young**

Date Received: August 8, 2002

Date Started: August 9, 2002

Section of Law: RCW 42.17.065, .080 and .090

Status: Investigation Complete

Summary: A complaint was filed by Vicki Rippie, PDC Executive Director, alleging that the Whatcom County Republican Party failed to timely report contribution and expenditure information for activities undertaken during calendar years 1999, 2000 and 2001.

Disposition: An enforcement hearing before the full Commission has been scheduled for January 28, 2003.

**Potter, John--Case #03-128; Investigator: (Group Enforcement – not a formal complaint)**

Date Received: November 27, 2002

Date Started: November 27, 2002

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A brief enforcement hearing was scheduled for December 11, 2002, to determine whether John Potter violated RCW 42.17.080 and 42.17.090 by failing to timely file the report of contributions and expenditures (PDC form C-4) that was due 7 days before the 2002 general election, by October 29, 2002. At the hearing, Presiding Officer Michael Connelly declined to hear the case and referred it to the full Commission.

Disposition: Pending

**Wasson Don (scheduled for hearing); (Peterson, Gary; Benjamin, Richard; Foote, Michael; Steenrod, Maggie; Guite, Jerry; Coomer, Joe - not scheduled for hearing)**

**Case #02-296; Investigator: Sally Parker**

Date Received: April 15, 2002

Date Started: April 19, 2002

Section of Law: RCW 42.17.040, .080, .090, .100, .240 and .510

Status: Investigation Complete

Summary: A complaint was received from Dave Kaplan alleging that Gary Peterson failed to disclose information on his Personal Financial Affairs Statement (PDC Form F-1); that consulting services were provided by Don Wasson to two Des Moines City Council candidates that exceeded the mini reporting limits; that the Des Moines Marina Association made contributions to three candidates for Des Moines City Council that were not disclosed; that a

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political advertisement was produced and distributed in the City of Des Moines without sponsor identification; that additional political advertisements supporting or opposing candidates for Des Moines City Council failed to contain proper sponsor identification and were not timely reported; and that public facilities of King County Water District #54 were used to produce and distribute a flyer that supported or opposed candidates for Des Moines City Council in the 2001 City Council elections. On May 1, 2002, a complaint addressing several of the same issues was received from Stanley M. Scarvie on behalf of Citizens for Des Moines. Mr. Scarvie's complaint has been combined with Case #02-296.

**NOTE:** The investigative portion of the complaint regarding Michael Foote's alleged use of the public facilities of King County Water District #54 to produce and distribute a flyer that supported or opposed candidates has been suspended pending the outcome of pending litigation.

In addition, Don Wasson was added as a Respondent, and staff has alleged that Mr. Wasson failed to register as a political committee, failed to report contributions and expenditures for his political committee, accepted and made contributions in excess of \$5,000 within 21 days of the 2001 general election, and concealed the source and amount of contributions made and an independent expenditure. An enforcement hearing before the full Commission for Don Wasson was scheduled for January 28, 2003, but has been postponed to the March 25, 2003 full Commission hearing.

Disposition: Pending

**Hopkins, Hank/Environmental Materials Transport, LLC--Case #03-153;  
Investigator: Sally Parker**

Date Received: April 15, 2002

Date Started: April 19, 2002

Section of Law: RCW 42.17.105 & .120

Status: Investigation Complete

Summary: This case is related to PDC Case No. 02-296 listed above. Hank Hopkins as President of Environmental Materials Transport, LLC (EMTLLC) was added as a respondent by PDC staff alleging that Mr. Hopkins made contributions in excess of \$5,000 within 21 days of the 2001 general election by contributing \$20,000 to Don Wasson's political committee to support Des Moines City Council candidates Petersen, Benjamin and Steenrod. It was further alleged that Mr. Hopkins and EMTLLC concealed the source and amount of an initial \$1,000 payment that was made to Don Wasson and his political committee to support the campaigns of Gary Petersen and Richard Benjamin. In addition, it is also alleged

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that Mr. Hopkins and EMTLLC concealed the source and amount of contributions that were made to Mr. Wasson’s political committee totaling \$20,000 that also supported the 2001 Council campaigns of Mr. Petersen, Mr. Benjamin, and Ms. Steenrod. An enforcement hearing before the full Commission was scheduled for January 28, 2003, but has been postponed to the March 25, 2003 full Commission meeting.

### **Scheduled for Brief Enforcement Hearing**

**Blankenship, Michael-- Case #02-351; Investigator: Suemary Trobaugh**

Date Received: May 8, 2002

Date Started: May 16, 2002

Section of Law: RCW 42.17.241

Status: Investigation Complete

Summary: A complaint was received from John E. Hill alleging that Michael Blankenship, a school board member in Kettle Falls School District 212 and a Ferry County Commissioner, failed to report all required information on his 1998, 2001 and 2002 Personal Financial Affairs Statements.

Disposition: A brief enforcement hearing will be scheduled for February.

### **Cases Closed**

The following cases were closed as a result of enforcement hearings: (Respondents may appeal the results of enforcement hearings. For the results of appeals, see “Compliance” and “Results of Enforcement” on the PDC’s home page at [www.pdc.wa.gov](http://www.pdc.wa.gov))

### **Full Enforcement Hearing**

**Washington State Democratic Central Committee—Case #03-068; Investigator: Susan Harris**

Date Received: August 7, 2002

Date Started: August 7, 2002

Section of Law: RCW 42.17.090

Status: Investigation Complete

Summary: A “45-day Citizen Action Letter” was received from Richard Pope alleging that the Washington State Democratic Central Committee (WSDCC) failed to forfeit contributions received from out-of-state or federal political

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committees when those committees failed to file PDC form C-5 within ten days of the date the WSDCC received the contributions. (NOTE: See PDC Case No. 03-026 for the portion of the Citizen Action Letter that was addressed at the October 29, 2002 special Commission hearing) The Democratic Party of Oregon made a \$20,000 contribution to the WSDCC on November 28, 2000, and that contribution was not disclosed by the WSDCC until August of 2001. In addition, the Democratic Party of Oregon failed to file a C-5 report until September 9, 2002, so there was no disclosure of the contribution until eight months after the 2000 election had been held.

**Disposition:** An enforcement hearing before the full Commission was held on December 4, 2002, at a special Commission hearing. The Commission accepted the Stipulation of Facts and Violation in which the WSDCC admitted to committing a single violation of RCW 42.17.090(1)(l) for failing to forfeit a contribution in the amount of \$20,000 from the Democratic Party of Oregon, an out-of-state political committee. A total civil penalty of \$1,000 was assessed against the WSDCC, of which \$500 was suspended on the condition that the WSDCC commits no further violations of RCW 42.17.090(1)(l) for a period of four years from the date of the order.

**Brief Enforcement Hearings:** None from investigations. For the results of group enforcement brief enforcement hearings, other than from investigations, see “Compliance” and “Results of Enforcement” on the PDC’s home page at [www.pdc.wa.gov](http://www.pdc.wa.gov))

The following cases were dismissed with the concurrence of the chair during this period:

**Committee for Unemployment Insurance Reform--Case #03-017; Investigator: Lori Anderson**

Date Received: July 17, 2002

Date Started: July 24, 2002

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Daimon Doyle alleging that the Committee for Unemployment Insurance Reform (CUIR) failed to report in-kind contributions for attorneys fees incurred for a legal challenge to Referendum 53, a statewide ballot proposition.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that CUIR retained legal counsel in early July 2002 and was given an estimated



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amount of \$75,000 at that time. CUIR should have reported the \$75,000 as an obligation for legal fees on its July C-4 report, but failed to report the obligation on its July C-4 report, and its initial August C-4 report. However, CUIR amended its August C-4 report on September 10, 2002 to include the obligation for legal fees. Thus, the obligation was reported one month late.

**Jefferson County Republican Central Committee--Case #03-027; Investigator:  
Suemary Trobaugh**

Date Received: August 20, 2002

Date Started: August 20, 2002

Section of Law: RCW 42.17.060, .080 & .090

Status: Investigation Complete

Summary: A complaint was received from Ronald Nelson alleging that the Jefferson County Republican Central Committee (JCRCC) received anonymous contributions in excess of contribution limits in calendar year 2001 and 2002, and failed to timely file campaign finance disclosure reports in April, May, June and July of 2002.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that the JCRCC amended C-3 reports for calendar year 2001 and 2002, that re-attributed the previously reported anonymous contributions as being proceeds from low cost fundraisers that included such events as the sale of cookbooks and raffle tickets. In addition, the JCRCC substantially complied with the reporting requirements since the complaint was filed on August 20, 2002, and that since October 10, 2002 the JCRCC has electronically filed their committee reports using the Washington Electronic Disclosure Software (WEDS).

**No on Initiative 747 Committee—(informal investigation conducted--no case  
number assigned) Staff: Kurt Young**

Date Received: December 3, 2002

Date Started: December 13, 2002

Section of Law: RCW 42.17.080, .090 & .120

Status: Review Complete

Summary: A complaint was received from Rudy Pantoja alleging that the No on Initiative 747 Committee, Christian Sinderman, a political consultant, and Northwest Passages, a political consulting firm run by Mr. Sinderman, received payments for political consulting and other work that was not properly reported by the No on Initiative 747 Committee.

**Disposition:** Dismissed with the concurrence of the Chair. It was found that all of the expenditures made by the No on I-747 Committee were timely reported,

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and that no evidence was submitted to suggest that the purposes of the expenditures were not accurately disclosed. In addition, Mr. Sinderman was the campaign consultant for the No on I-747 Committee, but was not its treasurer, nor did he control its financial decisions. No evidence was provided that Mr. Sinderman or the No on I-747 Committee concealed payments that were made to Northwest Passage Consulting, LLC.

## **Cases Referred To Attorney General For Further Action**

### **Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG--#00-241; Investigator: Kurt Young**

Date Received: October 21, 1999

Date Started: October 25, 1999

Section of Law: RCW 42.17.080 and .090

Status: Investigation Complete

Summary: A complaint was received from Meg Van Wyk, alleging that Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG, distributed political advertising without properly reporting or filing the required campaign disclosure reports. An enforcement hearing was held February 27, 2001.

**Disposition:** The Commission found that the Respondent committed multiple apparent violations and referred the matter to the Attorney General's Office.

### **Washington Education Association—Case #01-002; Investigator: Lori Anderson**

Date Received: August 15, 2000

Date Started: August 18, 2000

Section of Law: RCW 42.17.760

Status: Investigation Complete

Summary: A complaint was received from the Evergreen Freedom Foundation and public school employees alleging that the Washington Education Association (WEA) and Washington School Districts are in violation of RCW 42.17.680 and 42.17.760. The complaint alleges that Washington School Districts are in violation of RCW 42.17.680 by withholding dues and fees from employees' wages that are used by the WEA and the National Education Association (NEA) for contributions to political campaigns. The complaint also alleges that the WEA is violating RCW 42.17.760 by using agency shop fees for political contributions and expenditures without the affirmative authorization of non-members. The complaint was forwarded to the PDC by the Attorney General's Office following

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its receipt of the complaint from EFF. The complaint was filed with the Attorney General’s Office and all County Prosecuting Attorneys requesting that an action be commenced in the courts to address the apparent violations of RCW 42.17. The complaint said that if an action were not commenced in court the complainant would seek appropriate legal and equitable relief pursuant to RCW 42.17. RCW 42.17.400(4) provides a 45-day time period before a complainant may take steps to initiate a citizen’s action in superior court.

**Disposition:** The Commission accepted a Stipulation of Facts, Violations and Recommendations, found that the Respondent committed an apparent violation of RCW 42.17.760, stipulated to as actual violations, and referred the matter to the Attorney General’s Office.

**Thurston County Superior Court Disposition:** The Attorney General’s Office filed suit in Thurston County, and the case went to trial in Thurston County Superior Court. The Thurston County Superior Court found the Respondent intentionally violated RCW 42.17.760, and assessed a total civil penalty of \$400,000. The Washington Education Association has appealed that decision.

**Permanent Offense, Permanent Offense Incorporated, Traffic Improvement Initiative Committee, and Tim Eyman—Case #02-281; Investigator: Kurt Young; (Also received 45-Day Letter of Complaint)**

Date Received: February 6, 2002

Date Started: February 6, 2002

Section of Law: RCW 42.17.080, .090, .120, & .125

Status: Investigation Complete

Summary: A complaint was filed by PDC Executive Director Vicki Rippie against Permanent Offense, Permanent Offense Incorporated, Traffic Improvement Initiative Committee, and Tim Eyman alleging the following: 1) failure to properly report committee expenditures, including the purpose of those expenditures; 2) concealing the fact that committee funds were expended to pay Mr. Eyman for compensation for the work he performed on behalf of Permanent Offense; 3) use of committee funds to pay for Mr. Eyman’s personal expenses. In addition, a “45-day letter of complaint” was filed by Richard A. Smith and Knoll Lowney, attorneys with Smith & Lowney, PLLC, representing Permanently Offended, with the Office of the Attorney General and the County Prosecutor’s Offices in King, Snohomish and Thurston counties against Permanent Offense, Permanent Offense, Inc., Traffic Improvement Initiative, Tim Eyman, Karen Eyman, and Suzanne Karr alleging violations similar to those outlined in the PDC complaint.

**Disposition:** A report to the Commission was presented at its special April 9,

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Commission meeting. The Commission found that the Respondent committed multiple apparent violations and referred the matter to the Attorney General’s Office.

**National Education Association—Case #02-282; Investigator: Suemary Trobaugh; (45-Day Letter of Complaint)**

Date Received: January 31, 2002

Date Started: February 6, 2002

Section of Law: RCW 42.17.040, .080, .090, .680 and .760

Status: Investigation Complete

Summary: On January 31, 2002, the Evergreen Freedom Foundation, Lowell Johnson, Carrie Riplinger, Susan Kobes and David Williams, through attorney Jeanne Brown filed a citizen’s action letter under RCW 42.17.400(4) with the Office of the Attorney General and the State of Washington’s County Prosecutors’ Offices. The complaint alleged violations by the NEA’s Ballot Measure/Legislative Crisis and Media Campaign Fund of 1) RCW 42.17.040 et. seq (failure to register as a political committee); 2) violations of RCW 42.17.680(3) (diverting a portion of an employee's wages or salaries for contributions to political committees without the written request of the employee); and 3) violations of RCW 42.17.760 (using agency shop fees paid by non members to influence an election without written authorization by the Individual). On February 6, 2002, the Office of the Attorney General officially notified the PDC that they were referring the matter to the PDC for investigation. PDC Staff completed a Preliminary Report of Investigation and prepared a memorandum to Commission members concerning Staff’s findings and recommendation.

**Disposition:** On April 9, 2002, the matter was on the Commission’s agenda as a report to the Commission. In light of the complaint the Evergreen Freedom Foundation filed against the NEA in Thurston County Superior Court on April 8, 2002 under provisions of RCW 42.17.400(4), the Commission accepted Staff’s recommendation that it take no action in this case. On August 23, 2002, Thurston County Superior Court Judge Paula Casey dismissed the lawsuit filed by EFF against NEA. Judge Casey’s dismissal was based on a decision by the WA State Court of Appeals in State ex rel. Evergreen Freedom Foundation v Washington Education Association, No. 25272-4-II, where the court stated that “Before the 10-day period<sup>1</sup> had passed after EFF’s second letter to the AG, the AG forwarded

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<sup>1</sup> RCW 42.17.400 states: “The citizen action may be brought only if the attorney general...ha(s) failed to commence an action hereunder within forty-five days and after such notice and such person has thereafter further

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the allegations to the PDC for investigation...Because the AG acted before the end of the 10-day period, EFF could not bring a citizen’s action lawsuit under RCW 42.17.400...” By a unanimous vote, the Commission dismissed the allegations that NEA violated RCW 42.17.040 and 42.17.680.

On October 2, 2002, at a special Commission meeting, by a unanimous vote, the Commission dismissed the allegations that NEA violated RCW 42.17.040 and 42.17.680. By a unanimous vote, the Commission found multiple apparent violations of RCW 42.17.760 by the NEA when it used agency shop fees to make contributions or expenditures to influence an election or to operate a political committee without authorization from the employees. The Commission found that given the insufficiency of its penalty authority, in lieu of holding an enforcement hearing, the Commission referred the above referenced apparent violations to the Washington State Attorney General's Office for appropriate action pursuant to RCW 42.17.360 and .395 and WAC 390-37-100.

**Washington State Democratic Central Committee—Case #03-005; Investigator:  
Susan Harris**

Date Received: July 8, 2002

Date Started: July 8, 2002

Section of Law: RCW 42.17.065, .080, & .090

Status: Investigation Complete

Summary: A complaint was filed by PDC Executive Director Vicki Rippie alleging that the Washington State Democratic Central Committee (WSDCC) violated RCW 42.17.080 and .090 by failing to file C-3 reports disclosing contributions received during the 2000 election cycle. In addition, the complaint also alleged the WSDCC failed to timely file C-3 reports disclosing contributions received during the 2000 election cycle until August of 2001 and January of 2002.

**Disposition:** This matter was presented as a report to the Commission on August 27, 2002. The Commission found multiple apparent violations of RCW 42.17.080 and 42.17.090 for failure to timely file reports of contributions and expenditures, and referred the case to the Attorney General’s Office for appropriate action.

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notified the attorney general...that said person will commence a citizen’s action within ten days upon their failure to do so...”

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## **Part II**

### **Active Investigations**

#### **Investigations In Progress**

**Senate Republican Campaign Committee--Case #03-060; Investigator: Suemary Trobaugh**

Date Received: October 4, 2002

Date Started: October 4, 2002

Section of Law: RCW 42.17.080 & .090

Status: Under Investigation

Summary: A complaint was received from Kurt Fritts, Executive Director of the Senate Democratic Campaign Committee, alleging that the Senate Republican Campaign Committee failed to timely report contribution and expenditure activities.

Disposition: Pending

**Jacobsen, Deborah--Case #03-073; Investigator: Sally Parker**

Date Received: October 24, 2002

Date Started: October 24, 2002

Section of Law: RCW 42.080 and .090

Status: Under Investigation

Summary: A complaint was filed by Sandra Olson, Executive Director of the Senate Republican Campaign Committee, alleging that Deborah Jacobsen, a candidate for State Senator in the 47<sup>th</sup> Legislative District, failed to timely report contribution and expenditure activities undertaken during the 2002 election cycle.

Disposition: Pending

**Washington State Democratic Central Committee--Case #03-078; Investigator: Sally Parker**

Date Received: October 28, 2002

Date Started: October 28, 2002

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was filed by Lois McMahan, a candidate for State Representative in the 26<sup>th</sup> Legislative District, alleging that the Washington State

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Democratic Central Committee (WSDCC) paid for and sponsored political advertising that contained false statements about Ms. McMahan’s candidacy.  
Disposition: Pending

**The American Dream Coalition--Case #03-079; Investigator: Kurt Young**

Date Received: November 1, 2002

Date Started: November 1, 2002

Section of Law: RCW 42.17.100 and .530

Status: Under Investigation

Summary: A complaint was filed by John D. Morgan, Chair of the Kitsap County Democratic Central Committee, alleging that “The American Dream Coalition” failed to report independent expenditures made in opposition to Tim Botkin, an incumbent Kitsap County Commissioner seeking re-election, and made false statements about Mr. Botkin in political advertising paid for and sponsored by “The American Dream Coalition”.

Disposition: Pending

**Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer, CCBG--#03-080; Investigator: Kurt Young**

Date Received: November 6, 2002

Date Started: November 6, 2002

Section of Law: RCW 42.17.080 and .090

Status: Under Investigation

Summary: A complaint was filed by Vicki Rippie, PDC Executive Director alleging that the Concerned Citizens for Better Government (CCBG) and Joseph Coomer, Treasurer of CCBG distributed political advertising related to more than one election cycle without reporting contribution and expenditures activities that were undertaken.

Disposition: Pending

**Nixon, Toby--Case #03-081; Investigator: Kurt Young**

Date Received: November 4, 2002

Date Started: November 4, 2002

Section of Law: RCW 42.17.080 and .090

Status: Under Investigation

Summary: A complaint was filed by Ralph E. Gorin, chair of the 45<sup>th</sup> Legislative District Democrat’s, alleging that Toby Nixon, a candidate for State Representative in the 45<sup>th</sup> Legislative District, failed to timely file the 7-day pre-

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general election C-4 report as required for candidates appearing on the general election ballot.

Disposition: Pending

**Committee to Dissolve the Rural Library--Case #03-146; Investigator: Lori Anderson**

Date Received: November 21, 2002

Date Started: December 4, 2002

Section of Law: RCW 42.17.510

Status: Under Investigation

Summary: A complaint was filed by Walter Kloefkorn alleging that the Committee to Dissolve the Rural Library located in Stevens County, sponsored political advertising opposing a local proposition that failed to contain any sponsor identification.

Disposition: Pending

**Rickert, Marilou--Case #03-147; Investigator: Sally Parker**

Date Received: December 2, 2002

Date Started: December 6, 2002

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was filed by State Senator Tim Sheldon alleging that Marilou Ricker, a candidate for State Senate in the 35<sup>th</sup> Legislative District sponsored political advertising that contained false statements.

Disposition: Pending

**Simpson, Geoff--Case #03-148; Investigator: Lori Anderson**

Date Received: December 3, 2002

Date Started: December 13, 2002

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was filed by Phil Fortunato, a candidate for State Representative in the 47<sup>th</sup> Legislative District, against Geoff Simpson, also a candidate for State Representative in the 47<sup>th</sup> Legislative District, alleging that Mr. Simpson sponsored political advertising that contained false statements.

Disposition: Pending



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**WA State Democratic Central Committee--Case #03-149; Investigator: Lori Anderson**

Date Received: December 3, 2002

Date Started: December 13, 2002

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was filed by Phil Fortunato, a candidate for State Representative in the 47<sup>th</sup> Legislative District, against the Washington State Democratic Central Committee (WSDCC) alleging that the WSDCC sponsored political advertising that contained false statements.

Disposition: Pending

**Hargraves, Steven--Case #03-150; Investigator: Tony Perkins**

Date Received: December 5, 2002

Date Started: December 13, 2002

Section of Law: RCW 42.17.080 and .090

Status: Under Investigation

Summary: A complaint was filed by Richard Latham alleging that Steven Hargraves, a candidate for Franklin County Sheriff failed to timely file reports of contribution and expenditure activities in accordance with RCW 42.17.

Disposition: Pending

**McCary, Danny--Case #03-151; Investigator: Tony Perkins**

Date Received: December 5, 2002

Date Started: December 13, 2002

Section of Law: RCW 42.17.080 and .090

Status: Under Investigation

Summary: A complaint was filed by Richard Latham alleging that Danny McCary, a candidate for Franklin County Sheriff failed to timely file reports of contribution and expenditure activities in accordance with RCW 42.17.

Disposition: Pending

**Protect Edmonds Pets--Case #03-152; Investigator: Tony Perkins**

Date Received: December 26, 2002

Date Started: December 27, 2002

Section of Law: RCW 42.17.040, .080 and .090

Status: Under Investigation

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Summary: A complaint was filed by Finis Tupper alleging that the Protect Edmonds Pets Committee failed to register as a political committee and file reports of contribution and expenditure activities in accordance with RCW 42.17.  
Disposition: Pending

**Fortunato, Phil--Case #03-154; Investigator: Lori Anderson**

Date Received: December 30, 2002

Date Started: January 10, 2003

Section of Law: RCW 42.17.530

Status: Under Investigation

Summary: A complaint was filed by Geoff Simpson, a candidate for State Representative in the 47<sup>th</sup> Legislative District, against Phil Fortunato, also a candidate for State Representative in the 47<sup>th</sup> Legislative District, alleging that Mr. Fortunato sponsored political advertising that contained false statements.

Disposition: Pending

## **Cases Under Review**

**Carlson, John-- Case #03-004; Investigator: Suemary Trobaugh**

Date Received: June 28, 2002

Date Started: June 28, 2002

Section of Law: RCW 42.17.080, .090, and .640

Status: Under Review

Summary: An additional complaint was received from Richard Pope alleging that John Carlson, a candidate for Governor in 2000, violated RCW 42.17.080 and .090 by failing to include employer and occupation information for in-kind contributors and by failing to properly report campaign liabilities. The complaint also alleged violations of RCW 42.17.640 by accepting in-kind contributions from contributors in excess of the 2000 primary contribution limit of \$1,200.

Disposition: Pending

**Snohomish County Deputy Sheriff's Association & Mike Ashley--Case #03-020;  
Investigator: Lori Anderson**

Date Received: September 18, 2002

Date Started: September 18, 2002

Section of Law: RCW 42.17.080, .090 & .100

Status: Under Review

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Summary: A complaint was received from Michael Roskind alleging that the Snohomish County Deputy Sheriff’s Association made expenditures during the 2001 Snohomish County Council elections that supported the Mike Ashley Campaign and have not been reported either as independent expenditure by the Snohomish County Deputy Sheriffs’ Association or as an in-kind contribution received by the Mike Ashley campaign.  
Disposition: Pending

**Porter, Rick– Case #03-021; Investigator: Tony Perkins**

Date Received: October 3, 2002

Date Started: October 7, 2002

Section of Law: RCW 42.17.040, .080, .090 and .510

Status: Under Review

Summary: A complaint was received from Karen Unger alleging that the Rick Porter Campaign filed campaign reports that did not accurately disclose contribution and expenditure activities, failed to include the complete campaign records inspection information on the Candidate Registration Statement (PDC Form C-1), and sponsored political advertising that failed to contain the proper sponsor identification.

Disposition: Pending

**Citizens for a Better Covington – Case #03-022; Investigator: Tony Perkins**

Date Received: August 2, 2002

Date Started: August 8, 2002

Section of Law: RCW 42.17.080, .090 and .105

Status: Under Review

Summary: A complaint was received from Mark Zimmerman alleging that the Citizens for a Better Covington, a political committee, failed to timely file last minute contribution reports and other committee reports as required.

Disposition: Pending

**Save Our Spending Limits – Case #03-023; Investigator: Suemary Trobaugh**

Date Received: August 8, 2002

Date Started: August 8, 2002

Section of Law: RCW 42.17.080 and .090

Status: Under Review

Summary: A complaint was received from Andy Grow alleging that Save Our Spending Limits, a political committee that supported a statewide ballot

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

proposition during 2002, failed to file reports disclosing activities undertaken during its signature gathering efforts.

Disposition: Pending

**Roach, Pam – Case #03-024; Investigator: Lori Anderson**

Date Received: August 12, 2002

Date Started: August 12, 2002

Section of Law: RCW 42.17.080, .090 and .095

Status: Under Review

Summary: A complaint was received from Greg Rodriguez alleging that the Pam Roach Campaign failed to timely file contribution and expenditure activities for her 2002 re-election campaign, and that Ms. Roach failed to file reports disclosing activities of her surplus funds account.

Disposition: Pending

**Jackley, Brock--Case #03-046; Investigator: Sally Parker**

Date Received: September 6, 2002

Date Started: September 6, 2002

Section of Law: RCW 42.17.530

Status: Under Review

Summary: A complaint was received from Lois McMahan alleging that the Brock Jackley Campaign produced and distributed political advertising that contained false statements of material fact made with actual malice against Ms. McMahan, a candidate opposing Brock Jackley.

Disposition: Pending

**Simpson, Geoff--Case #03-047; Investigator: Sally Parker**

Date Received: September 11, 2002

Date Started: September 11, 2002

Section of Law: RCW 42.17.530

Status: Under Review

Summary: A complaint was received from Irma Larson alleging that the Geoff Simpson Campaign used photographs of Ms. Larson in political advertising as an endorsement of his candidacy, when no endorsement had been obtained.

Disposition: Pending

**Public School Employees of Washington--Case #03-059; Investigator: Sally Parker**

Date Received: September 30, 2002

Date Started: September 30, 2002

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Section of Law: RCW 42.17.100 & .103

Status: Under Review

Summary: A complaint was received from Martyn Butler alleging that the Public School Employees of Washington failed to timely file an Independent expenditure Report (PDC Form C-6) within 24 hours as required if the expenditure occurs within 21 days of an election.

Disposition: Pending

**So Tired of Paying Taxes--Case #03-061; Investigator: Sally Parker**

Date Received: September 13, 2002

Date Started: October 21, 2002

Section of Law: RCW 42.17.040, .080 & .090

Status: Under Review

Summary: A complaint was received from Dennis Antonellis alleging that the So Tired of Paying Taxes Committee failed to timely file the Committee Registration Statement (PDC Form C-1pc), and failed to timely disclose the committee's contribution and expenditure activities.

Disposition: Pending

**Healthcare for Washington's Working Families--Case #03-062; Investigator: Tony Perkins**

Date Received: September 3, 2002

Date Started: October 21, 2002

Section of Law: RCW 42.17.105

Status: Under Review

Summary: A complaint was received from Janet Vantzelfden alleging that the Healthcare for Washington's Working Families, a 2001 statewide initiative committee, received contributions within 21-days of the 2001 general election that exceeded \$5,000 from one source.

Disposition: Pending

**Myers, Brett--Case #03-063; Investigator: Tony Perkins**

Date Received: October 9, 2002

Date Started: October 21, 2002

Section of Law: RCW 42.17.530

Status: Under Review

Summary: A complaint was received from Steven R. Tomson alleging that Brett Meyers, a Republican candidate for Whitman County Sheriff, falsely implied or

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

claimed that he was the incumbent sheriff on political advertising sponsored by his campaign.

Disposition: Pending

**Ward, Yvonne– Case #03-067; Investigator: Tony Perkins**

Date Received: October 17, 2002

Date Started: October 17, 2002

Section of Law: RCW 42.17.080 & .090

Status: Under Review

Summary: A complaint was received from Tabitha Wells alleging that Yvonne Ward, a candidate for State Senator, failed to timely file reports disclosing contribution activities.

Disposition: Pending

**Bookspan, Elizabeth– Case #03-069; Investigator: Tony Perkins**

Date Received: October 9, 2002

Date Started: October 21, 2002

Section of Law: RCW 42.17.060 & .640

Status: Under Review

Summary: A complaint was received from Ralph E. Gorin, Chair of the 45<sup>th</sup> District Democratic Organization, alleging the Elizabeth Bookspan Campaign had accepted contributions that exceeded the contribution limits, and that contributions received by the campaign may have been accepted and deposited by someone other than the campaign treasurer or deputy treasurer.

Disposition: Pending

**Bauer, Ron--Case #03-070; Investigator: Kurt Young**

Date Received: October 16, 2002

Date Started: October 16, 2002

Section of Law: RCW 42.17.080, .090 & .640

Status: Under Review

Summary: A complaint was filed by Deryl McCarty, Secretary for the Pierce County Republican Party, alleging that Ron Bauer, a candidate for State Representative in the 2<sup>nd</sup> Legislative District, failed to report contribution and expenditure activities during the 2002 election. It was further alleged that Mr. Bauer failed to timely file contribution and expenditure reports for activities undertaken during the 2000 election cycle, for which he was also a legislative candidate. In addition, it was also alleged that Ron Bauer received contributions that exceeded the primary contribution limits of \$625.

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Disposition: Pending

**Hunter, Ross--Case #03-071; Investigator: Kurt Young**

Date Received: October 21, 2002

Date Started: October 21, 2002

Section of Law: RCW 42.17.080, & .090

Status: Under Review

Summary: A complaint was filed by Justin Kawabori alleging that Ross Hunter, a candidate for State Representative in the 48<sup>th</sup> Legislative District, failed to timely file the 21-day pre-general C-4 report that was due to be filed no later than October 15, 2002, and that the Hunter Campaign also failed to timely disclose obligations for orders placed.

Disposition: Pending

**Nixon, Toby--Case #03-072; Investigator: Kurt Young**

Date Received: October 18, 2002

Date Started: October 18, 2002

Section of Law: RCW 42.17.640

Status: Under Review

Summary: A complaint was filed by Ralph E. Gorin, chair of the 45<sup>th</sup> Legislative District Democrat's, alleging that Toby Nixon, a candidate for State Representative in the 45<sup>th</sup> Legislative District, received a contribution that exceeded the general election contribution limits of \$625.

Disposition: Pending

**Selland, Robert--Case #03-074; Investigator: Sally Parker**

Date Received: October 25, 2002

Date Started: October 25, 2002

Section of Law: RCW 42.15.530

Status: Under Review

Summary: A complaint was filed by Eugene Dana alleging that Robert Selland, a candidate for Kittitas County Sheriff, sponsored political advertising that indicated he had received an endorsement from Perry Hutson, when in fact no such endorsement had been given.

Disposition: Pending

**Wilson, Terry--Case #03-075; Investigator: Kurt Young**

Date Received: October 24, 2002

Date Started: October 24, 2002

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Section of Law: RCW 42.17.080 and .090

Status: Under Review

Summary: A complaint was filed by Susan Berry alleging that Terry Wilson, a candidate for Lewis County Coroner, failed to timely report a \$750 contribution from the Lewis County Republican Party.

Disposition: Pending

**O’Malley, Patrick--Case #03-076; Investigator: Lori Anderson**

Date Received: October 24, 2002

Date Started: October 24, 2002

Section of Law: RCW 42.17.080 and .090

Status: Under Review

Summary: A complaint was filed by Cort O’Connor alleging that Pat O’Malley, a candidate for Pierce County Superior Court judge, failed to timely file reports of contribution and expenditure activities during the 2002 election cycle.

Disposition: Pending

**Washington State Department of Transportation--Case #03-077; Investigator: Lori Anderson**

Date Received: October 25, 2002

Date Started: October 25, 2002

Section of Law: RCW 42.190

Status: Under Review

Summary: A complaint was filed by Shawn Newman, President of Citizens for Leaders with Ethics and Accountability Now (CLEAN) alleging that the Washington State Department of Transportation (WSDOT) used public funds to pay the costs of a mailing providing recipients with information about the Tacoma Narrows Bridge Project. The mailing was originally paid for and sent out by United Infrastructure Washington, Inc. (UIW), but UIW received payments from WSDOT during 2002 for “developer costs” (including the mailing costs) UIW incurred in connection with the Tacoma Narrows Bridge Project. Mr. Newman alleged that the mailing originally undertaken by UIW constituted indirect lobbying.

Disposition: Pending

**Peterson, Barbara--Case #03-082; Investigator: Tony Perkins**

Date Received: November 4, 2002

Date Started: November 4, 2002

Section of Law: RCW 42.17.105



**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Status: Under Review

Summary: A complaint was filed by Maureen Gallegos, campaign manager for Jim Moeller a candidate for State Representative in the 49<sup>th</sup> Legislative District, alleging that Barbara Peterson, a candidate for State Representative in the 49<sup>th</sup> Legislative District, made contributions to her campaign within 21-days of the 2002 general election that exceeded the \$5,000 limitation.

Disposition: Pending

**NOTE: On July 29, 2002, King County Superior Court Judge Richard McDermott issued a Permanent Injunction in *Washington Education Association v. PDC et al.* against the PDC’s distribution of, investigations concerning, and enforcement of certain provisions of the PDC’s “Guidelines for School Districts in Election Campaigns” that were finalized by the PDC in August 2001. The Guidelines explain the PDC’s interpretation of RCW 42.17.130. The Findings of Fact and Conclusions of Law that were also entered by the superior court, along with the Permanent Injunction, raise questions about the constitutionality of RCW 42.17.130. The PDC filed an appeal from the Permanent Injunction with the Washington State Supreme Court, and also filed an Emergency Motion to Stay the Injunction Pending Appeal. On September 4, 2002, that motion was denied. As a result, the Permanent Injunction, and the Findings of Fact and Conclusions of Law, remain in effect.**

**Therefore, until the State Supreme Court has heard this case after full briefing and argument by the parties and has issued its written decision, we are suspending investigation of complaints alleging violations of RCW 42.17.130, with two exceptions. The PDC will investigate, but not bring to a hearing until the State Supreme Court issues its decision, those complaints involving the use of e-mail or internal mail systems for communicating endorsements, and the use of classrooms for distributing materials expressly advocating support for or opposition to one or more candidates. See our website for copies of the Permanent Injunction and Findings of Fact and Conclusions of Law, as well as RCW 42.17.130, WAC 390-05-271 and WAC 390-05-273.**

Based on the facts above, the following investigations are suspended until further notice:

**City of Vancouver (City Officials) -- Case #02-286; Investigator: Suemary Trobaugh**

Date Received: January 30, 2002

Date Started: February 13, 2002

Section of Law: RCW 42.17.130

Status: Investigation Suspended

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

Summary: A complaint was received from Kelly Hinton alleging that officials of the City of Vancouver used city facilities to support a February 5, 2002, local ballot proposition.

Disposition: Pending

**Spencer, Dane-- Case #02-291; Investigator: Suemary Trobaugh**

Date Received: March 18, 2002

Date Started: April 1, 2002

Section of Law: RCW 42.17.130

Status: Investigation Suspended

Summary: A complaint was received from Tom Hujar alleging that officials of the Bainbridge Island Park District used park facilities to support a February 5, 2002, local ballot proposition.

Disposition: Pending

**Foote, Michael -- Case #02-292; Investigator: Sally Parker**

Date Received: April 1, 2002

Date Started: April 15, 2002

Section of Law: RCW 42.17.130 and .510

Status: Investigation Suspended

Summary: A complaint was received from Robert Awford alleging that Michael Foote used the facilities of King County Water District #54 to produce and distribute a flyer that supported or opposed candidates for Des Moines City Council during the 2001 City Council elections.

Disposition: Pending

**Pearsall-Stipek, Cathy; McCarthy, Pat-- Case #02-294; Investigator: Sally Parker**

Date Received: April 3, 2002

Date Started: April 15, 2002

Section of Law: RCW 42.17.130

Status: Investigation Suspended

Summary: A complaint was received from Dale Washam alleging that Cathy Pearsall-Stipek, Pierce County Auditor, used or authorized the use of facilities of the Pierce County Auditor's Office to assist her 1998 election campaign for Pierce County Auditor and the 2002 election campaign of Pat McCarthy for Pierce County Auditor. The portion of the complaint alleging that Pat McCarthy violated RCW 42.17.130 was dismissed July 22, 2002.

Disposition: Pending

**Note: If the Disposition shows “Pending,” the case has not yet been resolved and no finding on the allegations has been made.**

**Peterson, Gary; Benjamin, Richard; Foote, Michael; Steenrod, Maggie; Guite, Jerry; Coomer, Joe-- Case #02-296; Investigator: Sally Parker**

Date Received: April 15, 2002

Date Started: April 19, 2002

Section of Law: RCW 42.17.040, .080, .090, .100, .130, .240 and .510

Status: .130 Portion of Investigation Suspended

Summary: A complaint was received from Dave Kaplan alleging a number of violations against several candidates and individuals. One allegation was that Michael Foote used the facilities of King County Water District #54 to produce and distribute a flyer that supported or opposed candidates for Des Moines City Council in the 2001 City Council elections. That portion of the complaint has been suspended pending the outcome of pending litigation. See Table of Contents for location of additional case summary information.

Disposition: Pending

**Anderson, Don--Case #03-007; Investigator: Kurt Young**

Date Received: July 10, 2002

Date Started: July 10, 2002

Section of Law: RCW 42.17.130

Status: Investigation Suspended

Summary: A complaint was received from Karl Sloan alleging that Don Anderson, an employee of the Okanogan County Prosecutor's Office and a candidate for Okanogan County Prosecutor in 2002, violated RCW 42.17.130 by using the facilities of the Okanogan County Prosecutor's Office to support his candidacy.

Disposition: Pending